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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/355,149 | 03/07/2000 | ULF ASSMUS | 2345/87 | 6071 |

26646 7590 10/01/2003

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| EXAMINER |
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HARVEY, DAVID E

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| ART UNIT | PAPER NUMBER |
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2614

DATE MAILED: 10/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/355,149

Applicant(s)

ASSMUS ET AL.

Examiner

DAVID E HARVEY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. As described, it appears that the present invention requires a system clock to be sent between, and/or among, the various "stations" [e.g. NOTE: line 5 of figure 1; lines 24-28 of page 3; lines 5-8 of page 8; etc,...]. While not shown in the figures, it also appears that this clock signal passes through a plurality of switching nodes on its way to/between said "stations" [e.g. NOTE: lines 19-22 on page 3; lines 25-28 of page 6; etc, ...]. Clarification of the following is needed:

i. It is not understood how the required "clock signal" is transmitted between/amongst the stations as is required (note lines 24-28 of page 3). Specifically, it is not understood:

- (1) Whether the clock signal is transmitted to/between the stations *continuously* over some sort of separate dedicated transmission path/channel [e.g. as might be suggested by the separate clock path of figure 5 illustration and the description in lines 5-7 on page 7];
- (2) Whether the clock signal is transmitted to/between the stations *intermittently* over some sort of separate dedicated transmission path/channel [e.g. as seems to be suggested within the written description (note lines 16-21 on page 7)];
- (3) Whether this clock signal is transmitted intermittently to/between the stations within the audio/video ATM data packets themselves [e.g. lines 31-37 of page 8; lines 1-4 of page 9].

Clarification is required.

ii. Regardless of the way the clock signal is conveyed through the ATM network, it is not clear how the clock signal is used to set the frequency of the stations' clocks in a manner that is not subject to noise/delays "inherent" in ATM networks and/or it is not clear how the clock signal is used with a large FIFO to shift those "interferences" that do result to the "night" [NOTE: lines 33-36 on page 7]. Namely, it is not clear

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how the disclosed system configuration(s) avoid/overcome the problems of the described prior art.
Clarification is needed.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-8, and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by the publication of Hessenmueler et al.

The provided search report of the related PCT application identifies the instant publication to be an "X" reference against claims 1-3, 5-8, and 10-15. The examiner agrees that this publication appears to describe an ATM network in which a FIFO memory and conveyed clock signaling was used to lock the frequency of receive ATM packet data to a local clock using TBC [note figure 6].

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4. The art of record has been applied to the claims to the extent of the examiner's understanding given the section 112 problems noted above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E HARVEY whose telephone number is (703) 305-4365. The examiner can normally be reached on M-F from 9AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DAVID E HARVEY
Primary Examiner
Art Unit 2614


DAVID E. HARVEY
PRIMARY EXAMINER